

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

HENRY MARVIN MOSS,

Petitioner,

v.

TONY HENDERSON, Warden,

Respondent.

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1:07-CV-46 (WLS)

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge, filed December 6, 2007. (Doc. 15). It is recommended that Petitioner's §2254 petition be dismissed as untimely. *Id.* No objection has been filed.

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 15) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, the Defendant's Motion to Dismiss (Doc. 8) is **GRANTED** and Petitioner's §2254 petition action is hereby **DISMISSED**.

SO ORDERED, this 11th day of February, 2008.

/s/W. Louis Sands
THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT